

IN THE CLAIMS

Please amend the claims as follows:

1 (original): A method for distinguishing CBF-positive AML subtypes, preferably AML_t(8;21) and/or AML_inv(16) from CBF-negative AML subtypes, preferably AML_inv(3), AML_t(15;17), AML_t(11q23)/MLL (AML_MLL), and/or AML_komplex, in a sample, the method comprising determining the expression level of markers selected from the markers identifiable by their Affymetrix Identification Numbers (affy id) as defined in Tables 1, and/or 2,

wherein

a lower expression of at least one polynucleotide defined by at least one of the numbers 1 to 50 of Table 1.1 having a negative fc value, and/or

a higher expression of at least one polynucleotide defined by at least one of the numbers 1 to 50 of Table 1.1 having a positive fc value,

is indicative for the presence of AML_CBF when AML_CBF is distinguished from all other subtypes,

and/or wherein

a lower expression of at least one polynucleotide defined by at least one of the numbers 1 to 50 of Table 1.2 having a negative fc value, and/or

a higher expression of at least one polynucleotide defined by at least one of the numbers 1 to 50 of Table 1.2 having a positive fc value,

is indicative for the presence of AML_MLL when AML_MLL is distinguished from all other subtypes,

and/or wherein

a lower expression of at least one polynucleotide defined by at least one of the numbers 1 to 50 of Table 1.3 having a negative fc value, and/or

a higher expression of at least one polynucleotide defined by at least one of the numbers 1 to 50 of Table 1.3 having a positive fc value,

is indicative for the presence of AML_inv(3) when AML_inv(3) is distinguished from all other subtypes,

and/or wherein

a lower expression of at least one polynucleotide defined by at least one of the numbers 1 to 50 of Table 1.4 having a negative fc value, and/or

a higher expression of at least one polynucleotide defined by at least one of the numbers 1 to 50 of Table 1.4 having a positive fc value,

is indicative for the presence of AML_komplex when AML_komplex is distinguished from all other subtypes,

and/or wherein

a lower expression of at least one polynucleotide defined by at least one of the numbers 1 to 50 of Table 1.5 having a negative fc value, and/or

a higher expression of at least one polynucleotide defined by at least one of the numbers 1 to 50 of Table 1.5 having a positive fc value,

is indicative for the presence of AML_t(15;17) when AML_t(15;17) is distinguished from all other subtypes,

and/or wherein

a lower expression of at least one polynucleotide defined by at least one of the numbers 1 to 50 of Table 2.1 having a negative fc value, and/or

a higher expression of at least one polynucleotide defined by at least one of the numbers 1 to 50 of Table 2.1 having a positive fc value,

is indicative for the presence of AML_CBF when AML_CBF is distinguished from AML_MLL,

and/or wherein

a lower expression of at least one polynucleotide defined by at least one of the numbers 1 to 50 of Table 2.2 having a negative fc value, and/or

a higher expression of at least one polynucleotide defined by at least one of the numbers 1 to 50 of Table 2.2 having a positive fc value,

is indicative for the presence of AML_CBF when AML_CBF is distinguished from AML_inv(3),

and/or wherein

a lower expression of at least one polynucleotide defined by at least one of the numbers 1 to 50 of Table 2.3 having a negative fc value, and/or

a higher expression of at least one polynucleotide defined by at least one of the numbers 1 to 50 of Table 2.3 having a positive fc value,

is indicative for the presence of AML_CBF when AML_CBF is distinguished from AML_komplex,

and/or wherein

a lower expression of at least one polynucleotide defined by at least one of the numbers 1 to 50 of Table 2.4 having a negative fc value, and/or

a higher expression of at least one polynucleotide defined by at least one of the numbers 1 to 50 of Table 2.4 having a positive fc value,

is indicative for the presence of AML_CBF when AML_CBF is distinguished from AML_t(15;17),

and/or wherein

a lower expression of at least one polynucleotide defined by at least one of the numbers 1 to 50 of Table 2.5 having a negative fc value, and/or

a higher expression of at least one polynucleotide defined by at least one of the numbers 1 to 50 of Table 2.5 having a positive fc value,
is indicative for the presence of AML_MLL when AML_MLL is distinguished from AML_inv(3),
and/or wherein
a lower expression of at least one polynucleotide defined by at least one of the numbers 1 to 50 of Table 2.6 having a negative fc value, and/or
a higher expression of at least one polynucleotide defined by at least one of the numbers 1 to 50 of Table 2.6 having a positive fc value,
is indicative for the presence of AML_MLL when AML_MLL is distinguished from AML_komplex,
and/or wherein
a lower expression of at least one polynucleotide defined by at least one of the numbers 1 to 50 of Table 2.7 having a negative fc value, and/or
a higher expression of at least one polynucleotide defined by at least one of the numbers 1 to 50 of Table 2.7 having a positive fc value,
is indicative for the presence of AML_MLL when AML_MLL is distinguished from AML_t(15;17),
and/or wherein
a lower expression of at least one polynucleotide defined by at least one of the numbers 1 to 50 of Table 2.8 having a negative fc value, and/or
a higher expression of at least one polynucleotide defined by at least one of the numbers 1 to 50 of Table 2.8 having a positive fc value,
is indicative for the presence of AML_inv(3) when AML_inv(3) is distinguished from AML_komplex,
and/or wherein
a lower expression of at least one polynucleotide defined by at least one of the numbers 1 to 50 of Table 2.9 having a negative fc value, and/or
a higher expression of at least one polynucleotide defined by at least one of the numbers 1 to 50 of Table 2.9 having a positive fc value,
is indicative for the presence of AML_inv(3) when AML_inv(3) is distinguished from AML_t(15;17),
and/or wherein
a lower expression of at least one polynucleotide defined by at least one of the numbers 1 to 50 of Table 2.10 having a negative fc value, and/or
a higher expression of at least one polynucleotide defined by at least one of the numbers 1 to 50 of Table 2.10 having a positive fc value,

is indicative for the presence of AML_komplex when AML_komplex is distinguished from AML_t(15;17).

2 (original): The method according to claim 1 wherein the polynucleotide is labelled.

3 (original): The method according to claim 1 ~~or 2~~, wherein the label is a luminescent, preferably a fluorescent label, an enzymatic or a radioactive label.

4 (currently amended): The method according to ~~at least one of the claims 1-3~~, to claim 1, wherein the expression level of at least two, preferably of at least ten, more preferably of at least 25, most preferably of 50 of the markers of at least one of the Tables 1.1-2.10 is determined.

5 (currently amended): The method according to ~~at least one of the claims 1-4~~ claim 1, wherein the expression level of markers expressed lower in a first subtype than in at least one second subtype, which differs from the first subtype, is at least 5 %, 10% or 20%, more preferred at least 50% or may even be 75% or 100%, i.e. 2-fold lower, preferably at least 10-fold, more preferably at least 50-fold, and most preferably at least 100-fold lower in the first subtype.

6 (currently amended): The method according to ~~at least one of the claims 1-4~~ claim 1, wherein the expression level of markers expressed higher in a first subtype than in at least one second subtype, which differs from the first subtype, is at least 5 %, 10% or 20%, more preferred at least 50% or may even be 75% or 100%, i.e. 2-fold higher, preferably at least 10-fold, more preferably at least 50-fold, and most preferably at least 100-fold higher in the first subtype.

7 (currently amended): The method according to ~~at least one of the claims 1-6~~ claim 1, wherein the sample is from an individual having AML.

8 (currently amended): The method according to ~~at least one of the claims 1-7~~ claim 1, wherein at least one polynucleotide is in the form of a transcribed polynucleotide, or a portion thereof.

9 (original): The method according to claim 8, wherein the transcribed polynucleotide is a mRNA or a cDNA.

10 (currently amended): The method according to claim 8 ~~or 9~~, wherein the determining of the expression level comprises hybridizing the transcribed polynucleotide to a complementary polynucleotide, or a portion thereof, under stringent hybridization conditions.

11 (currently amended): The method according to ~~at least one of the claims 1-7~~ claim 1, wherein at least one polynucleotide is in the form of a polypeptide, or a portion thereof.

12 (currently amended): The method according to ~~at least one of the claims 8, 9 or 12~~ claim 8, wherein the determining of the expression level comprises contacting the polynucleotide or the polypeptide with a compound specifically binding to the polynucleotide or the polypeptide.

13 (currently amended): The method according to claim 12, wherein the compound is an antibody, or a fragment thereof.

14 (currently amended): The method according to ~~at least one of the claims 1-13~~ claim 1, wherein the method is carried out on an array.

15 (currently amended): The method according to ~~at least one of the claims 1-14~~ claim 1, wherein the method is carried out in a robotics system.

16 (currently amended): The method according to ~~at least one of the claims 1-15~~ claim 1, wherein the method is carried out using microfluidics.

17 (currently amended): Use of at least one marker as defined in ~~at least one of the claims 1-3~~ claim 1, for the manufacturing of a diagnostic for distinguishing CBF-positive AML subtypes from CBF-negative AML subtypes.

18 (original): The use according to claim 17 for distinguishing CBF-positive AML subtypes from CBF-negative AML subtypes.

19 (currently amended): A diagnostic kit containing at least one marker as defined in ~~at least one of the claims 1-3~~ claim 1, for distinguishing CBF-positive AML subtypes from CBF-negative AML subtypes, in combination with suitable auxiliaries.

20 (original): The diagnostic kit according to claim 19, wherein the kit contains a reference for the CBF-positive AML subtype and/ or the CBF-negative AML subtype.

21 (original): The diagnostic kit according to claim 20, wherein the reference is a sample or a data bank.

22 (original): An apparatus for distinguishing CBF-positive AML subtypes from CBF-negative AML subtypes in a sample containing a reference data bank.

23 (original): The apparatus according to claim 22, wherein the reference data bank is obtainable by comprising

(a) compiling a gene expression profile of a patient sample by determining the expression level of at least one marker selected from the markers identifiable by their Affymetrix Identification Numbers (affy id) as defined in Tables 1, and/or 2, and

(b) classifying the gene expression profile by means of a machine learning algorithm.

24 (original): The apparatus according to claim 23, wherein the machine learning algorithm is selected from the group consisting of Weighted Voting, K-Nearest Neighbors, Decision Tree Induction, Support Vector Machines, and Feed-Forward Neural Networks, preferably Support Vector Machines.

25 (currently amended): The apparatus according to ~~at least one of the claims 22-24~~ claim 22, wherein the apparatus contains a control panel and/or a monitor.

26 (original): A reference data bank for distinguishing CBF-positive AML subtypes from CBF-negative AML subtypes obtainable by comprising

(a) compiling a gene expression profile of a patient sample by determining the expression level of at least one marker selected from the markers identifiable by their Affymetrix Identification Numbers (affy id) as defined in Tables 1, and/or 2, and

(b) classifying the gene expression profile by means of a machine learning algorithm.

27 (original): The reference data bank according to claim 26, wherein the reference data bank is backed up and/or contained in a computational memory chip.